UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/C.5/51/30/Add.1
12 May 1997

ORIGINAL: ENGLISH

Fifty-first session
FIFTH COMMITTEE
Agenda item 137

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Secretary-General

SUMMARY

In accordance with General Assembly resolution 51/214 of 18 December 1996, the present report contains the revised 1997 resource requirements of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991.

The resources requested for the period from 1 January to 31 December 1997 amount to $49,983,100 net ($54,948,400 gross) and reflect a net increase of $14,552,500 and an additional 50 posts over the 1996 appropriation and authorized staffing level. The revised request for 1997 would supersede the net provision of $21,146,900 which was provided for the first six months of 1997 by the General Assembly in resolution 51/214.

97-12413 (E) 210597 230597

I. INTRODUCTION

1. The terms of reference of the International Tribunal for the former Yugoslavia were established by the Security Council in its resolution 808 (1993) of 22 February 1993.

2. The General Assembly, by its resolution 51/214 of 18 December 1996, appropriated a total amount of $21,146,900 net ($23,655,600 gross) to the Special Account for the International Tribunal for the former Yugoslavia for the period from 1 January to 30 June 1997.

3. In the same resolution, the General Assembly also requested the Secretary-General to include in his revised budget proposals detailed explanations regarding the rental conditions of office and parking space and the efforts to find subtenants for the available office and parking space taking into account paragraph 10 of General Assembly resolution 48/251 of 14 April 1994. That request is responded to in paragraph 94 below as well as annex VI to the present report.

4. This report takes into account observations made by the Office of Internal Oversight Services in its report (A/51/824) of 11 March 1997 on the International Tribunal for the former Yugoslavia. As the Secretary-General has not yet received the benefit of the General Assembly's views on that report, it would be prudent to continue on a path of solid growth through the addition of 50 assessed posts and 10 extrabudgetary posts to augment the existing 337 posts. Staffing levels, when taking into account the above changes, would bring the post levels to a total of 397 by end 1997. The possibility for meeting further staff needs beyond that would be reopened for consideration in the context of preparations for the 1998 budget proposals, at which time it should be possible to gauge Member States' support in the light of the discussions in the General Assembly and the Security Council regarding tribunal activities and in the Assembly concerning the report of the Office of Internal Oversight Services.

5. Cost estimates in dollar terms have been made for the full year of 1997 taking into account an average exchange rate of US$ 1.00:1.84 guilders, salary levels, vacancy rates, as well as real resource increases for staff and non-staff items. In calculating the cost of posts, a revised standard for common staff costs has been used for 1997 based on 1996 experience. For The Tribunal in The Hague, the new common staff cost rate used is 55 per cent compared with the previous rate of 33.4 per cent.

6. The present report contains requirements of the International Tribunal for 1997 in the amount of $49,983,100 net ($54,948,400 gross). It includes proposals for a net increase of $14,552,500 and of 50 additional posts over the 1996 appropriation and authorized staffing table.

7. The Tribunal, the seat of which is at The Hague, consists of the following organs: the Chambers, comprising two Trial Chambers and an Appeals Chamber; the Office of the Prosecutor; and the Registry, servicing both the Chambers and the Office of the Prosecutor.

8. The distribution of the total resources of the Tribunal in 1997 would be as shown in table 1. Column (d), "Resource change", reflects the need for increases or decreases above or below the "1996 appropriation", column (a). Additionally, 50 new posts are proposed for 1997. Thirty would be for the Office of the Prosecutor to continue to prepare prosecution cases for the 1997 programme of trials. Twenty new posts would be for the Registry and relate directly to maintenance of buildings and premises, provision of data processing and administrative support and extension of security functions to cover the enlarged headquarters building. The distribution of the total resources of the Tribunal in 1997 would be as follows:

Table 1. Summary of requirements by organ

(Thousands of United States dollars)

A. Assessed budget

Object of expenditure	(a) 1996 appropriation	(b) 1 January to 30 June 1997 appropriation	(c) Revised estimates 1 January-31 December 1997	(d) Resource change (c)-(a)
Chambers	2 059.3	1 158.4	2 349.1	289.8
Office of the Prosecutor	12 177.6	7 641.6	17 298.1	5 120.5
Registry	21 193.7	12 346.9	30 335.9	9 142.2
Total A	35 430.6	21 146.9	49 983.1	14 552.5

B. Extrabudgetary resources

Object of expenditure	1996	Revised estimates 1 January to 31 December 1997	Resource change
Chambers	-	-	-
Office of the Prosecutor	360.3	391.1	30.8
Registry	1 334.6	2 545.1	1 210.5
Total B	1 694.9	2 936.2	1 241.3
Grand total A+B	37 125.5	52 919.3	15 793.8

Table 2. Summary of requirements by object of expenditure

(Thousands of United States dollars)

A. Assessed budget

Object of expenditure	(a) 1996 appropriation	(b) 1 January to 30 June 1997 appropriation	(c) Revised estimates 1 January to 31 December 1997	(d) Resource change (c) - (a)
Temporary posts	19 973.4	13 042.9	28 241.8	8 268.4
Salaries and allowances of judges	1 619.4	916.6	1 815.0	195.6
Common costs of judges	137.4	76.7	140.0	2.6
Other payments (mission subsistence allowance)	-	-	414.3	414.3
Temporary assistance for meetings	191.7	95.8	653.4	461.7
General temporary assistance	704.0	352.0	827.2	123.2
Overtime	107.0	53.5	342.5	235.5
Consultants and experts	76.7	38.3	391.6	314.9
Travel	2 218.0	1 109.0	2 824.8	606.8
Contractual services	3 950.0	1 975.0	5 205.1	1 255.1
Hospitality	2.9	1.5	2.9	-
General operating expenses	4 251.4	2 386.3	6 607.9	2 356.5
Supplies and materials	910.7	455.4	551.0	(359.7)
Furniture and equipment	1 288.0	643.9	1 965.6	677.6
Total A	35 430.6	21 146.9	49 983.1	14 552.5

B. Extrabudgetary resources

Object of expenditure	1996	Revised estimates 1 January to 31 December 1997	Resource change
Temporary posts	52.2	378.6	326.4
General temporary assistance	429.1	735.6	306.5
Consultants and experts	28.2	193.2	165.0
Travel	360.3	-	(360.3)
Contractual services	40.6	44.4	3.8
General operating expenses	121.9	419.1	297.2
Supplies and materials	60.7	108.0	47.3
Furniture and equipment	601.9	1 057.3	455.4
Total B	1 694.9	2 936.2	1 241.3
Grand total A+B	37 125.5	52 919.3	15 793.8

Table 3. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
Professional category and above			
USG	1	1	-
ASG	1	1	-
D-2	1	1	-
D-1	3	3	-
P-5	12	14	2
P-4	53	54	1
P-3	67	71	4
P-2/1	42	53	11
Subtotal	180	198	18
General Service and other categories			
General Service (Principal level)	6	6	-
General Service (Other level)	104	122	18
Security Service	47	61	14
Subtotal	157	189	32
Total A	337	387	50

B. Extrabudgetary resources

Category	1996	1997	Increase/ (decrease)
Professional category and above			
P-3	1	1	-
Subtotal	1	1	-
General Service and other categories			
General Service (Other level)	2	9	7
Subtotal	2	9	7
Total B	3	10	7
Grand total A+B	340	397	57

C. Gratis personnel as at 31 March 1997

Function	Number of personnel
Legal Assistant	22
Legal Advisers	5
Legal Adviser/Prosecutor	7
Investigator	13
Research Officer	1
Projects Officer	1
Video Analyst	1
Detention Guard	1
Total	51

II. RECENT DEVELOPMENTS

9. In 1996, the International Tribunal entered a new phase in its development as a judicial organ with the commencement of trials. The first trial, that of Dusko Tadić, began on 7 May 1996 and the hearing of evidence was completed by the end of 1996. On 7 May 1997, the court found the defendant guilty of 11 charges out of a total of 34. As at the date of writing, sanction is still to be determined pending the outcome of the appeals procedure. The Trial Chamber is currently sitting four days per week while the remaining day is set aside to enable the Tribunal's sole courtroom to be utilized for other judicial proceedings. To date, 18 indictments involving 74 accused have now been confirmed by the judges of the Tribunal. In this regard, a total of seven accused (currently detained) await trial. It is expected that, before too long, other accused will be surrendered to the Tribunal.

10. For the Tadić trial, a number of witnesses were granted protection in some form, including non-release of names to the public, visual distortion of the televised image and remote witness testimony where the witnesses did not travel to The Hague but gave their evidence via the satellite link from the former Yugoslavia.

11. A total of 473 exhibits were presented to the court in documentary, physical and electronic format. Exhibits were displayed via the individual monitors in the courtroom, thus enabling all parties to follow the proceedings directly. The proceedings were broadcast in English, French and Bosnian/Croatian/Serbian while a computer-assisted verbatim transcript was also available for immediate reference. A total of 6,446 pages of transcript were produced.

12. With regard to the Tribunal's Rules of Procedure and Evidence, additional amendments were issued over the last 18 months, dealing with issues of evidence, the transfer of a detained witness, arrest warrants and the detention of a suspect. In addition to the Rules of Procedure and Evidence, the functioning of

the Tribunal is governed by a number of other sets of rules and regulations, such as the Rules of Detention and the Regulations for Detainees and the Directive on the Assignment of Defence Counsel, which was amended at the eleventh plenary session in July 1996.

13. The year 1996 also marked a notable rise in the activities of the Office of the Prosecutor. Of primary importance was the implementation of the Dayton Agreement, which has had a significant impact on the work of the Office. Although a Memorandum of Understanding regarding cooperation between the Republic of Bosnia and Herzegovina and the Tribunal had enabled the establishment of a field office in Sarajevo, the lack of freedom of movement on the ground and the continuation of hostilities made it impossible for the office to be set up. The new offices in Sarajevo and Belgrade were opened in 1996 in order to carry out necessary liaison and preparatory work for investigations work which had previously been hampered, particularly in territory under Bosnian Serb control. The Dayton Accords and the subsequent introduction of the 60,000-strong Multinational Implementation Force (IFOR, later SFOR, the Stabilization Force) created a new environment in which Tribunal investigators could work. In this connection, IFOR/SFOR has provided assistance to personnel to ensure the security of the investigation teams as they travelled and worked in areas located in Republika Srpska. IFOR/SFOR has also been of invaluable assistance in the transfer of suspects and indictees from Bosnia and Herzegovina. It agreed to assist the Tribunal, within the limits of its mandate and available resources, and it has done so throughout the year. A Memorandum of Understanding concerning practical arrangements for the detention and transfer to the Tribunal of persons indicted for war crimes by the Tribunal and support of the Tribunal was concluded by the Tribunal, Supreme Headquarters Allied Powers in Europe (SHAPE)/North Atlantic Treaty Organization (NATO) and IFOR on 9 May 1996.

14. Following initial contacts with IFOR/SFOR, the investigation teams have been able to venture into or through areas under Bosnian Serb control. Additionally, with the help of information provided by IFOR/SFOR, it was possible to locate and gain access to mass grave sites. Such access gave the Prosecutor the opportunity to integrate the evidence obtained from exhumations into his investigative strategy. Planning for the 1996 exhumations began in late 1995 and during the summer of 1996 exhumations were completed at five separate locations, four in Bosnia (all related to the Srebrenica genocide) and one in Croatia (at Ovcara - the Vukovar hospital incident), during which over 500 bodies were recovered from the mass grave sites and were subjected to forensic pathological examinations. In carrying out exhumations, the Prosecutor received valuable assistance not only from IFOR/SFOR, but cooperation also from the United Nations Peace Forces (UNPF), the United Nations Mine Action Centre (UNMAC) and Physicians for Human Rights. Planning for the 1997 exhumation programme has commenced and the first exhumation took place in April. Thereafter, exhumations will be completed at at least six sites during the year in Bosnia and Herzegovina, and at one in Croatia. The Tribunal plans to undertake the exhumation work itself during 1997 and to rely less on non-governmental organizations (NGOs). Voluntary contributions are expected to cover the major costs of exhumation activities during the year.

15. In February 1996, the parties to the Dayton Agreement met in Rome and agreed that persons may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that has been reviewed and deemed consistent with international legal standards by the Tribunal. The agreement is referred to as the "Rules of the Road" project. Following the agreement, the Office of the Prosecutor was requested to review 40 cases of individuals who were being held as prisoners of war or suspected war criminals by the parties to the Rome agreement. The cases were reviewed and final determinations were reached in all of them. Of the 40 cases, 11 were found to contain evidence sufficiently in conformity with international legal standards for the national courts to continue to investigate and the remainder were found to contain insufficient evidence to continue the investigation or to be outside the scope of the review.

16. Following the Dayton Agreement and the increase in investigative activity in the region, the need for increased support for the investigation teams became immediately apparent. In response, the Tribunal temporarily redeployed investigative resources and support staff to Sarajevo to expand the existing field office to strengthen the investigative capability of the Office of the Prosecutor in the field.

III. FINANCIAL REQUIREMENTS

A. The Chambers

Table 4. Summary of requirements by object of expenditure

(Thousands of United States dollars)

Assessed budget

Object of expenditure	(a) 1996 appropriation	(b) 1 January to 30 June 1997 appropriation	(c) Revised estimates 1 January to 31 December 1997	(d) Resource change (c) - (a)
Temporary posts	291.3	159.5	309.9	18.6
Salaries and allowances of judges	1 619.4	916.6	1 815.0	195.6
Common costs of judges	137.4	76.7	140.0	2.6
Overtime	-	-	11.0	11.0
Consultants and experts	-	-	60.0	60.0
Travel	11.2	5.6	13.2	2.0
Total	2 059.3	1 158.4	2 349.1	289.8

Table 5. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
General Service and other categories			
General Service (Other level)	6	6	-
Total	6	6	-

B. Gratis personnel as at 31 March 1997

Function/ Assigned level	Number of personnel	Donor	Office of assignment
Legal Assistant			
P-2	11	International Commission of Jurists	Chambers
Total	11		

Activities

17. During 1996, the Chambers commenced full-time courtroom operations. The first trial began in May and was completed by the end of 1996. In addition to the trial, with judicial proceedings including rule 61 hearings,[1] the existing courtroom has been fully utilized since the beginning of 1996 without recess. To date, some 18 indictments have been confirmed, involving 74 accused. Of this total, four indictments have been issued in 1996 involving 14 accused, four of which have been surrendered to the Tribunal. In this regard, the Chambers have foregone the proposed traditional arrangement of three judicial sessions of approximately 12 weeks each and have been sitting continuously since the beginning of May 1996. In addition, judges and legal support staff have been operating on a 24-hour-a-day roster basis, thereby ensuring that the Chambers are available to hear any immediate applications that may arise.

18. On 1 January 1997, there were five accused in detention awaiting trial plus one person awaiting sentencing and one awaiting appeal. The next trial, involving four defendants, commenced in early April 1997. The trial of the other defendant and the outstanding appeal are expected to commence in the second quarter of 1997.

19. Given the heavy court schedule and the increasing backlog of cases ready for trial, the courtroom will operate dual sessions per workday beginning in the second quarter of 1997, thus allowing the two Trial Chambers to sit simultaneously. The Appeals Chamber is also expected to hear its first full appeal in 1997. The Rules of Procedure and Evidence have recently been amended to expand the potential for interlocutory appeals, which would also be heard by the full Appeals Chamber.

Resource requirements

20. Staffing resources. The required staffing resources take into account the existing staff resources of six General Service (Other level) posts. Estimated requirements for posts for 1997 amount to $309,900 net.

21. Overtime. A new provision of $11,000 is requested for overtime requirements for the Chambers.

22. Consultants and experts. Resources of $60,000 are requested for services of five amici curiae to prepare briefs specifically solicited by the Tribunal ($50,000) and related travel expenses ($10,000). An amicus curiae ("friend of the court") is a State, organization or person who assists the Tribunal by making a submission before it in a non-adversarial procedure. Under rule 74 of the Rules of Procedure and Evidence of the Tribunal, amici curiae may be either specifically solicited by the Tribunal or may approach the Tribunal of their own volition for leave to make submissions in a particular case. According to the Guidelines for Amicus Curiae Practice adopted by the judges in plenary session, amici curiae do not represent any particular party and are not subject to direct examination or cross-examination by the parties nor may they call witnesses or cross-examine the parties' witnesses. In addition, amici curiae are not generally permitted to make factual presentations but instead are confined to questions of law.

23. Salaries and allowances of judges. The estimated requirements of $1,815,000 are based on the proposals outlined in the report of the Secretary-General on conditions of service and allowances of the members of the International Tribunal (A/C.5/49/11) and take into account the recommendations included in the report of the Advisory Committee on Administrative and Budgetary Questions (A/49/7/Add.12). These proposals include:

(a) Annual salary of $145,000 for each of 11 judges ($1,595,000);

(b) An additional special allowance of $15,000 per annum for the President of the Tribunal ($15,000);

(c) An additional special allowance for the Vice-President of $94 for every day he/she acts as President, up to a maximum of $9,400 per year ($9,400);

(d) A pension entitlement of $20,000 for each member of the Tribunal who serves a full four-year term ($28,300 prorated for 1997);

(e) Relocation allowance upon completion of service, subject to satisfying eligibility requirements equal to 12 weeks' net salary on completion of appointment and resettlement of five retired judges outside the Netherlands ($167,300).

24. Common costs of judges. A provision of $140,000 is requested to cover expenditures in 1997, including installation allowance ($50,000) and removal of household effects ($80,000) as well as home leave entitlements ($10,000).

25. Official travel. Estimated requirements of $13,200 would provide for the travel of the President (accompanied by a Legal Officer) to travel to the former Yugoslavia for high-level contacts and to visit Central and Western European States to attend judicial seminars and address senior government officials as well as to request support for the Tribunal, including financial assistance in terms of voluntary contributions (see annex I). Resources under this heading would also provide for the travel of the President to present the annual report to the General Assembly and the Security Council.

B. Office of the Prosecutor

Table 6. Summary of requirements by object of expenditure

(Thousands of United States dollars)

A. Assessed budget

Object of expenditure	(a) 1996 appropriation	(b) 1 January to 30 June 1997 appropriation	(c) Revised estimates 1 January to 31 December 1997	(d) Resource change (c)-(a)
Temporary posts	10 590.1	6 847.9	15 068.6	4 478.5
Other payments (mission subsistence allowance)	-	-	214.1	214.1
General temporary assistance	20.0	10.0	50.0	30.0
Overtime	7.0	3.5	10.0	3.0
Consultants and experts	46.7	23.3	297.6	250.9
Travel	1 513.8	756.9	1 637.8	124.0
Contractual services	-	-	20.0	20.0
Total A	12 177.6	7 641.6	17 298.1	5 120.5

B. Extrabudgetary resources

Object of expenditure	1996	Revised estimates 1 January to 31 December 1997	Resource change
Temporary posts	-	52.2	52.2
General temporary assistance	-	152.5	152.5
Consultants and experts	-	186.4	186.4
Travel	360.3	-	(360.3)
Total B	360.3	391.1	30.8
Grand total A+B	12 537.9	17 689.2	5 151.3

Table 7. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
Professional category and above			
USG	1	1	-
ASG	-	-	-
D-2	1	1	-
D-1	1	1	-
P-5	9	11	2
P-4	34	35	1
P-3	40	43	3
P-2/1	27	38	11
Subtotal	113	130	17
General Service and other categories			
General Service (Principal level)	1	1	-
General Service (Other level)	47	60	13
Security Service	-	-	-
Subtotal	48	61	13
Total A	161	191	30

B. Extrabudgetary resources

Category	1996	1997	Increase/ (decrease)
General Service and other categories			
General Service (Other level)	-	2	2
Total B	-	2	2
Grand total A+B	161	193	32

C. Gratis personnel as at 31 March 1997

Function/ Assigned level	Number of personnel	Contributor	Office of assignment
Investigator			
P-4	1	United Kingdom	Strategy Team
P-3	1	Finland	Investigation Team
	2	Netherlands	Investigation Team
	1	South Africa	Investigation Team
	2	Sweden	Investigation Team
	1	United Kingdom	Investigation Team
	1	United States	Investigation Team
P-2	2	Denmark	Investigation Team
	1	Netherlands	Investigation Team
	1	United Kingdom	Investigation Team
Legal Adviser			
P-3	1	United Kingdom	Investigation Team
P-2	1	Netherlands	Prosecution Section
	2	Switzerland	Investigation Team
Legal Adviser/ Prosecutor			
P-5	1	Italy	Prosecution Section
	2	United States	Prosecution Section
P-4	4	United States	Prosecution Section
Projects Officer			
P-3	1	European Action Council for Peace in the Balkans	Forensic Unit
Research Officer			
P-3	1	Physicians for Human Rights	Strategy Team
Video Analyst			
GS (OL)	1	Open Society Institute	Strategy Team
Total	27		

Activities

26. The Prosecutor's mandate is to investigate and prosecute persons, especially those in positions of authority or leadership, who were responsible for the planning and implementation of the most serious violations of international humanitarian law which have occurred in the former Yugoslavia since 1991. To accomplish this mission, the Office of the Prosecutor is

composed of several sections: the immediate office of the Prosecutor and the Deputy Prosecutor, the Policy and External Relations Section, the Prosecution Section, the Investigation Section, the Legal Advisory Section and the Information and Evidence Section.

27. During 1996, there has been a major shift in focus towards the second aspect of the Prosecutor's mandate, i.e., the prosecution of accused persons. This has been occasioned by the arrest of several indicted accused, which has marked the commencement of the trial phase of the Tribunal's work. Inevitably, the advent of the prosecution stage requires a restructuring of the Office to meet the new demands.

28. From the commencement of the operations of the Office of the Prosecutor, reliance has been placed on the assistance of several individual Member States in the performance of the Prosecutor's dual mandate. This assistance has mainly been in the form of seconded staff, although there have been other forms of assistance, such as contributions to the trust fund. During 1996, there were up to 34 experts-on-mission assigned to the Office of the Prosecutor. This number had decreased to 27 by 31 March 1997 and will be reduced further to 21 by mid-1997 although the possibility exists that unanticipated changes may invalidate this projection.

Resource requirements

Staffing resources

29. The total required staffing resources of the Office of the Prosecutor are shown in table 7. The establishment of the following new posts is proposed for 1997: 2 P-5, 1 P-4, 3 P-3, 11 P-2/1 and 13 General Service (Other level). For 1997, estimated resources under the assessed budget for posts amount to $15,068,600 net. These requirements are detailed in the respective proposals for the six individual sections of the Office.

(i) Immediate office of the Prosecutor and the Deputy Prosecutor

30. The required staffing resources consist of the existing staff resources of one Under-Secretary-General, one D-2, one P-4, one General Service (Principal level) and two General Service (Other level) posts.

(ii) Policy and External Relations Section

31. The restructuring of the Prosecutor's former secretariat would involve the creation of this new section to monitor events in the former Yugoslavia; to monitor and analyse policies adopted and actions taken by parties involved in the conflict in the former Yugoslavia; to develop appropriate responses and strategies with respect to those policies; to monitor the cooperation of the parties with the Tribunal; and to identify instances or attempts by those parties to avoid their obligations and develop appropriate strategies accordingly. This section will also be responsible for maintaining relations between the Office of the Prosecutor and organizations such as NATO/IFOR, the Office of the High Representative, international agencies, non-governmental organizations and other similar institutions by obtaining information and

intelligence, promoting the ability of the Prosecutor to conduct investigations, gathering evidence and securing the cooperation of those States and organizations.

32. The required staffing resources would take into account the existing staff complement of three posts, and the redeployment of one P-4 from the Legal Advisory Section (formerly the Legal Services Section) and one P-3 from the Investigation Section. In addition, one new General Service (Other level) post funded from extrabudgetary resources will be established to provide general administrative support to the Section.

(iii) Prosecution Section

33. The required staffing resources consist of the existing staff complement of four posts; the proposed establishment of one P-5 and one General Service (Other level) posts for a Trial Attorney and Research Assistant respectively; and the redeployment of a total of seven posts of which three P-2/1 and two General Service (Other level) posts are from the former Legal Services Section and two General Service (Other level) posts are from the Information and Evidence Section (formerly Information and Records Section).

34. In addition, eight gratis personnel have been assigned to the Prosecution Section.

(iv) Investigation Section

35. The Investigation Section is currently composed of the Investigation Teams (the secretariat and nine teams), the Strategy Team and the liaison field operations offices (Zagreb, Sarajevo and Belgrade). For 1997, it is proposed that a Forensic Unit be established within the section. The required staffing resources take into account the existing staff complement of 105 posts and the proposed establishment of the following new posts: 1 P-5, 1 P-4, 3 P-3, 11 P-2/1 and 12 General Service (Other level). These requirements have taken into account the redeployment from the Strategy Team of the Investigation Section of one P-3 to the Policy and External Relations Section and one P-2/1 to the Sarajevo field office.

36. Investigations secretariat/investigation teams. The required staffing complement takes into account the existing 76 posts and the proposed establishment of one new P-2/1 post and one new General Service (Other level) post for Investigator and Data Entry Clerk, respectively, for each of the nine investigation teams to cope with an increasing workload which to date has fallen behind, creating significant backlogs which are hindering the preparation of prosecution cases.

37. The investigation teams are further strengthened with the addition of a total of 15 gratis personnel, of which 12 are investigators and three are legal advisers.

38. Forensic Unit. The investigations undertaken by the Office of the Prosecutor often involve allegations of mass murder. Evidence obtained as a result of conducting mass grave excavations and the exhumation of the human

remains always provides important corroborative evidence essential for subsequent prosecutions.

39. The Tribunal was involved in substantial mass grave exhumation activity during the summer of 1996 and plans are well advanced for similar activity in 1997. Initially, reliance on the Voluntary Fund to finance the Tribunal's exhumation activities was intended mainly owing to the difficulty in predicting the resource requirements. It was also intended to rely on the assistance of outside organizations such as non-governmental organizations. However, total reliance on such organizations providing this level of assistance to the investigative work of the Prosecutor's Office has been unsatisfactory and could interfere with the independence of the Tribunal. Consequently, it has become apparent that the Tribunal must take responsibility for the major aspects of this forensic work. In this regard, it is proposed that a new unit be established within the Investigations Section.

40. The required staffing resources take into account the establishment of one P-5 (Forensic Policy and Planning Coordinator), one P-4 (Scientific Support Manager), two P-3 (one Forensic Engineer and one Forensic Logistician/Field Coordinator), and one General Service (Other level) (Administrative Assistant) posts. In addition, one gratis personnel provides assistance to the Unit in his capacity as Projects Officer.

41. The Commander would be responsible for the preparation of detailed plans for all forensic investigations undertaken by the Office of the Prosecutor, including, but not limited to, mass grave exhumations; the overall recruitment of personnel for the forensic missions; and the proper finalization and preparation of forensic evidence, including reports and statements from experts involved in the missions. The Scientific Support Manager would be responsible for the direct supervision of all fieldwork, including scientific work, and would be required to testify in proceedings before the Tribunal in relation to forensic work performed under his or her supervision. The Forensic Engineer would provide technical engineering support in respect of the equipment used by forensic teams, including responsibility for the proper operation and maintenance of such equipment. The Forensic Logistician/Field Coordinator would be responsible for logistic support and management of the daily operational requirements of forensic teams, including those undertaking mass grave excavations and exhumations and the pathological examination of victims recovered from those graves. The Administrative Assistant would provide the requisite administrative support to the Unit.

42. Strategy Team. The staff complement of this Team will be reduced to 12 posts following the redeployment of the posts of the Special Adviser (P-3) to the Policy and External Relations Section and the Analyst (P-2/1) to the Sarajevo field operations office.

43. Three seconded staff provide additional support to the Strategy Team in their capacity as Investigator, Research Officer and Video Analyst.

44. Administrative support to the Investigation Section. There is no change to the existing staffing resources of 10 General Service (Other level) posts. The

team provides support to the Chief of Investigations, the nine Investigation Teams and the Strategy Team.

45. Liaison field operations offices. The opening of the Prosecutor's liaison mission posts in Zagreb, Sarajevo and Belgrade has been an important development and has increased the efficiency of the Prosecutor's operations and investigations in the field. The Zagreb and Belgrade offices are each currently staffed by an internationally recruited Head of Office (P-4) and a locally recruited secretary (General Service (Other level)). With increased freedom of movement in Bosnia, the number of investigation teams travelling to Bosnia has substantially increased. The practical arrangements to assist the investigators have grown accordingly. The Zagreb office has also been requested to assist with the transportation requirements of prosecution witnesses in and out of the mission area. Lastly, much of the planning for the exhumation of mass graves has taken place in Zagreb and staff have been tasked with assisting in the implementation of this major project. Accordingly, the establishment of two new posts, one P-2/1 (Operations Officer) and one General Service (Other level) (Driver), is proposed for the Zagreb office so that it may be fully supportive of the programme of trials planned for 1997.

46. Following the cessation of hostilities in Bosnia and Herzegovina and the deployment of IFOR troops, it was possible for the Prosecutor's staff to gain access to previously inaccessible areas, including Republika Srpska. The Prosecutor took a decision to enlarge the size of the Sarajevo liaison office by deploying existing staff from the Investigation Section at The Hague. This was initially intended to be a temporary measure but it is now intended to regularize the situation by seeking additional posts for the office. The proposal to increase the size of the office on a permanent basis is based on the knowledge that the Prosecutor will not be able to maintain the existing investigations being undertaken at The Hague if, in effect, one of the nine investigation teams is relocated to Sarajevo.

47. The resulting staff resource requirements of this team would include the existing staff complement of two posts, the redeployed P-2/1 (Operations Officer) post from the Strategy Team and the proposed establishment of two new Investigator posts (1 P-3 and 1 P-2) and one new General Service (Other level) (Driver) post to maintain operations in Sarajevo on a self-supporting basis, thereby allowing a restoration of the Investigation Section at The Hague. In addition, one General Service (Other level) post funded from extrabudgetary resources will be established to provide administrative and secretarial support to the Office.

(v) Legal Advisory Section

48. Under the revised structure of the Office of the Prosecutor, three existing P-2/1 and two General Service (Other level) posts have been redeployed from this section to the Prosecution Section in order to consolidate resources for trial support, and the P-4 post for Legal Adviser for gender-related issues has been redeployed to the Policy and External Relations Section. The resulting staffing complement consists of five existing posts.

(vi) Information and Evidence Section

49. In order to improve the efficiency, reliability and accessibility of information contained in the various collections of information, intelligence and evidence within the Office of the Prosecutor, the Information and Records Section was restructured in 1996 to comprise three units, namely, the Evidence Unit, the Information Support Unit and the Systems Development Unit. Accordingly, it has been renamed the Information and Evidence Section.

50. Following the redeployment of two General Service (Other level) posts to the Prosecution Section, the required staffing complement consists of 29 existing posts.

Other payments (mission subsistence allowance)

51. Resources in the amount of $214,100 would be required for personnel from the Office of the Prosecutor posted to the liaison field operations offices in Sarajevo, Zagreb and Belgrade.

General temporary assistance

52. An amount of $50,000 is requested to provide for temporary assistance for replacements during periods of extended sick or maternity leave.

Overtime

53. A provision of $10,000 is requested to cover the overtime requirements.

Consultants

54. With the expectation of dual court sessions per day during 1997, estimated resources of $297,600 are requested under this heading for the services of 80 expert witnesses to assist with the prosecution of cases before the Court. Expert witnesses are specialists in their field and are called by the Prosecutor to give expert evidence before the Tribunal in relation to such matters as the general historical, political and military context of the conflict in the former Yugoslavia. Experience gained since the onset of trial proceedings has demonstrated that the amount of resources requested for 1996 to retain the services of expert witnesses was insufficient. Provision is requested for expert witnesses fees of $112,000 and related travel and subsistence costs of $185,600.

Official travel

55. Total estimated resources of $1,637,800 under this heading would provide for:

(a) Travel for investigations ($1,200,000). Travel for the purpose of conducting investigations will remain a vital component of the investigations undertaken by the Office of the Prosecutor. It is essential for investigation teams to travel to where the evidence is located in order to secure it before it is lost and to interview and record witness testimony, which continues to be the

overwhelming bulk of evidence in prosecution cases. In addition, since freedom of movement resulting from the Dayton Agreement has increased, the mobility of investigators has also increased and has meant that new geographic areas are accessible to investigators. In particular, the discovery of many mass grave sites has meant that investigators will continue to examine many more sites than the number finally exhumed;

(b) Travel for witness proofing ($370,000). While the number and scope of investigations increased in 1996, the prosecution phase also began. The start-up of the trial phase has meant a sharp increase in the number of witnesses needed to be proofed in preparation for giving evidence at the trials. Witness proofing involves travel of a Prosecuting Trial Attorney and an interpreter to the witness in order to prepare the witness for the purpose of giving evidence. This activity is, as often as possible, carried out when the witness arrives at The Hague to testify. However, a certain amount of witness proofing must also be done where the witnesses reside;

(c) Other travel ($67,800). The Prosecutor, the Deputy Prosecutor and senior staff will be required to maintain high-level contacts with cooperating Governments, including those in the former Yugoslavia, to ensure efficient implementation of activities and projects both in the former Yugoslavia and at The Hague where those projects involve cooperation and assistance from other intergovernmental organizations. It is estimated that an amount of $30,000 will be required to cover the associated travel costs in connection with these activities. As of 31 July 1996, the International Criminal Tribunal for Rwanda had issued 10 indictments and had commenced its first trial. In order to ensure consistency in the development of the legal policies and procedures of both Tribunals, the Prosecutor initiated an indictment review procedure whereby two attorneys from the Rwanda Tribunal attend Yugoslavia Tribunal indictment reviews at The Hague and two attorneys from the Yugoslavia Tribunal would attend Rwanda Tribunal indictment reviews in Kigali. Additional requirements of $37,800 would be required for the travel costs of two attorneys to attend five meetings in the implementation of this procedure in 1997.

Contractual services

56. Provision of $20,000 is requested for a series of training courses for Investigation personnel in identification techniques.

C. The Registry

Table 8. Summary of requirements by object of expenditure

(Thousands of United States dollars)

A. Assessed budget

Object of expenditure	(a) 1996 appropriation	(b) 1 January to 30 June 1997 appropriation	(c) Revised estimates 1 January to 31 December 1997	(d) Resource change (c)-(a)
Temporary posts	9 092.0	6 035.5	12 863.3	3 771.3
Other payments (mission subsistence allowance)	-	-	200.2	200.2
Temporary assistance for meetings	191.7	95.8	653.4	461.7
General temporary assistance	684.0	342.0	777.2	93.2
Overtime	100.0	50.0	321.5	221.5
Consultants and experts	30.0	15.0	34.0	4.0
Travel	693.0	346.5	1 173.8	480.8
Contractual services	3 950.0	1 975.0	5 185.1	1 235.1
Hospitality	2.9	1.5	2.9	-
General operating expenses	4 251.4	2 386.3	6 607.9	2 356.5
Supplies and materials	910.7	455.4	551.0	(359.7)
Furniture and equipment	1 288.0	643.9	1 965.6	677.6
Total A	21 193.7	12 346.9	30 335.9	9 142.2

B. Extrabudgetary resources

Object of expenditure	1996	Revised estimates 1 January to 31 December 1997	Resource change
Temporary posts	52.2	326.4	274.2
General temporary assistance	429.1	583.1	154.0
Consultants and experts	28.2	6.8	(21.4)
Contractual services	40.6	44.4	3.8
General operating expenses	121.9	419.1	297.2
Supplies and materials	60.7	108.0	47.3
Furniture and equipment	601.9	1 057.3	455.4
Total B	1 334.6	2 545.1	1 210.5
Grand total A+B	22 528.3	32 881.0	10 352.7

Table 9. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
Professional category and above			
USG	-	-	-
ASG	1	1	-
D-2	-	-	-
D-1	2	2	-
P-5	3	3	-
P-4	19	19	-
P-3	27	28	1
P-2/1	15	15	-
Subtotal	67	68	1
General Service and other categories			
General Service (Principal level)	5	5	-
General Service (Other level)	51	56	5
Security Service	47	61	14
Subtotal	103	122	19
Total A	170	190	20

B. Extrabudgetary resources

Category	1996	1997	Increase/ (decrease)
Professional category and above			
P-3	1	1	-
Subtotal	1	1	-
General Service and other categories			
General Service (Other level)	2	7	5
Subtotal	2	7	5
Total B	3	8	5
Grand total A+B	173	198	25

C. Gratis personnel as at 31 March 1997

Function/ Assigned level	Number of personnel	Contributor	Office of assignment
Legal Adviser			
P-2	1	Belgium	Judicial Support Services
Legal Assistant			
P-2	10	International Commission of Jurists	Judicial Support Services
	1	International Commission of Jurists	Press and Information
Detention Guard			
GS (OL)	1	Denmark	Detention Unit
Total	13		

Activities

57. The Registry is one of the three constituent organs of the Tribunal and is responsible for the administration of the Tribunal as well as the establishment and servicing of the judicial infrastructure of the organization. The functions of the Registry generally fall under two main areas of responsibility: judicial management (Judicial Support Services); and administrative and financial support (Administrative Services). The overall work programme of the Registry is coordinated by the Office of the Registrar.

(i) Judicial management

58. Under the direction of the Deputy Registrar, Judicial Support Services is responsible for managing courtroom operations, provision of legal aid through the assignment of defence counsel to indigent accused, supervision of the Tribunal's Detention Unit, recommending protective measures and provision of counselling and support to victims and witnesses. The functions of Judicial Support Services are managed through four distinct units: Defence Counsel; the Detention Unit; the Victims and Witnesses Unit; and the Court Management and Support Services.

59. Defence Counsel. During the eleventh plenary session, held in June 1996, the judges of the Tribunal, in addressing a number of concerns raised by the assigned defence counsel, adopted amendments to articles 18, 25 and 26 of the Directive on Assignment of Defence Counsel. The amendment to article 18 provided for coverage by the Tribunal of all or part of the costs and expenses of legal representation of the suspect or accused if such expenses cannot be borne by the suspect or the accused because of his/her financial situation. The amendment therefore recognizes the principle of non-discrimination against those

unable to afford the high costs involved in litigation under the conditions specified in article 18 of the Directive. Article 25 of the Directive, as amended, would base remuneration, as in the United Nations system, on seniority. A scale has been introduced to calculate the appropriate fees, with one scale for lead counsel and a fixed rate for co-counsel, reflecting their respective responsibilities. The third amendment, which relates to article 26, provides for daily subsistence allowance rates in conformity with the rules of the United Nations on daily allowances.

60. In addition to the above amendments, two new rules of procedure and evidence were recently adopted concerning, inter alia, provisional detention of suspects (rule 40 bis) and the transfer of detained witnesses (rule 90 bis).

61. Detention facilities. As of 31 March 1997, the detention facility held seven detainees. It is anticipated that further indictees will be arrested during the year and that the facility will be, on average, one third occupied during the first half of the year and one half occupied during the second half of the year.

62. Protection of victims and witnesses. During 1996, 92 witnesses from numerous countries have been brought to The Hague by the Victims and Witnesses Unit to appear in four hearings under rule 61 of the Rules of Procedure and Evidence, and 122 witnesses were brought to the court for the Tadić trial. It is anticipated that in 1997, 400 witnesses will be brought to the court by the Unit. An amendment to rule 75 of the Rules of Procedure and Evidence enables the Unit itself, in addition to a witness or the parties concerned, to request a judge or a Trial Chamber to order appropriate measures for the privacy and protection of witnesses.

63. During 1996, a number of policies for the support and protection of witnesses were put in place, including the establishment of strict criteria for the provision of childcare and other support services as well as the preparation of guidelines for the compensation for lost earnings, so as to ensure that witnesses are not financially penalized as a result of testifying at the Tribunal.

64. Court management and support services. A detailed description of these services was provided in paragraphs 69 and 70 of the report of the Secretary-General on the financing of the Tribunal at the forty-ninth session (A/C.5/49/42).

(ii) Administrative services

65. Under the authority of the Chief of Administration, the International Tribunal is provided with administrative support, including financial administration and resource planning, human resources management, language, meetings and documentation services, and library services, as well as the use of common services to support the implementation of the work programme, including electronic support and communications and building management services.

Resource requirements

Staffing resources

66. The total required staffing complement of the Registry is shown in table 9 and takes into account the upward reclassification of one P-2/1 post to the P-3 level and one SS post to General Service (Principal level), the downgrading of one General Service (Principal level) to a General Service (Other level) post, and the proposed establishment of the following new posts: 1 P-2, 1 General Service (Other level) and 15 Security Service. Estimated resources for posts in 1997 would amount to $12,863,300 net.

(i) Office of the Registrar

67. The required staffing resources take into account the existing staff resources of one Assistant Secretary-General and one General Service (Other level) post.

68. Press and Information Office. There is no change to the existing staff complement of four posts.

69. The resources of the Press and Information Office are further strengthened by the services of a seconded Legal Assistant provided under the existing arrangement with the International Commission of Jurists.

70. Security and Safety Services. The Tribunal occupied the remaining two thirds of the Aegon building at the beginning of 1997. Security and Safety Services is now responsible for maintaining security within the enlarged premises and have the added responsibility of the fire control board and enforcement of fire safety regulations which, until the end of 1996, were the responsibility of the Aegon Insurance Company. The service is also responsible for accompanying the accused and ensuring the safety of witnesses within the Tribunal building. On the basis of existing experience, taking into account the requirements of providing complete on-site security for premises and staff, significant additional resources are required for 1997.

71. In this regard, the resulting staffing table for 1997 will consist of the existing 49 posts, which takes into account the upward reclassification of one SS post to General Service (Principal level), and the establishment of 15 new SS posts.

72. Legal support. There is no change in the existing staffing complement of four posts for this office.

(ii) Judicial Support Services

73. Judicial Support Services is headed by the Deputy Registrar (D-1), who is assisted by a secretary (General Service (Other level)). In addition, 11 gratis personnel provide assistance with judicial management and one gratis staff provides support to the Detention Unit.

74. The functions of Judicial Support Services are managed through four distinct units and staffing resource requirements for each unit are maintained at the same level as that approved for 1996. The staffing table composition is therefore as follows: Defence Counsel: two posts; Detention Unit: one post for the Commanding Officer of the Unit; Victims and Witnesses Unit: five posts; and Court Management and Support Services: six posts.

(iii) Administrative services

75. The required staffing resources for the office of the Chief of Administration, Administrative Services, take into account two existing posts. In addition, the office is supported by one P-3 post funded from extrabudgetary resources.

76. General Services Section. The staffing resources take into account the existing staffing complement of 20 posts and the proposed establishment of two new General Service (Other level) posts.

77. Aegon vacated the premises as of January 1997 and is no longer responsible for the administration of various maintenance service contracts or the catering contract. The administration of these services has thus become an added responsibility for the Tribunal. Two General Service (Other level) posts are therefore proposed for the Buildings Management Unit: one for a second Maintenance Supervisor who will supervise the maintenance of buildings services, and the other for a Maintenance/Operations Assistant who will oversee contracted-out maintenance work and cleaning, housekeeping and grounds-keeping contracts for the offices and the 24-unit detention facility. The service will be further supported through the establishment of three new extrabudgetary General Service (Other level) posts, for a Procurement Assistant, a Mail/Pouch Clerk and a Travel/Traffic Clerk.

78. Electronic Support and Communications Service. The required staffing complement consists of 21 existing posts, of which one P-2/1 (Communications Coordinator) and one General Service (Principal level) posts are proposed for reclassification to P-3 and General Service (Other level) respectively, and the establishment of one new P-2/1 post (Communications Officer in Sarajevo) and two new General Service (Other level) posts (Telecommunications Clerk and Communications Field Assistant). The service will be further strengthened by the addition of one extrabudgetary General Service (Other level) post for an Administrative Clerk/Support Assistant.

79. A new P-2/1 post of Communications Officer is proposed, to be assigned to the Sarajevo field office. With the expected departure of the United Nations peacekeeping missions in the former Yugoslavia in mid-1997, the Tribunal will need to install its own satellite earth station infrastructure in all three field offices. Accordingly, the new post of Communications Officer would be assigned the task of addressing all issues of installation, operation and maintenance of communications assets at the three field offices.

80. The proposed reclassification of the Communications Coordinator post takes into consideration the increased level of responsibilities of the position owing to increased support for the provision of satellite-based communications between

offices of the Yugoslavia Tribunal at The Hague, Zagreb and Sarajevo, the United Nations in New York and the Rwanda Tribunal in Arusha. The recent acquisition of additional space in the Aegon building will also require expansion of communications facilities and services to provide administrative resources in support of prospective subtenant(s) for the building. The downward reclassification to General Service (Other level) of one existing General Service (Principal level) post of LAN Administrator reflects the established classification of the post.

81. Two new General Service (Other level) posts are requested, for a Communications Clerk within the Communications Support Unit and a Communications Technician to be assigned to the operations office in Sarajevo. The post of Communications Clerk is proposed in order to reinforce the unit's administrative capability in the areas of procurement, products and services research, billing and inventory tracking. The Communications Technician post is requested with a view to providing essential support in the installation, operation and maintenance of communications equipment in the field.

82. Library and Reference Services. The required staffing resources for 1997 consist of two existing posts.

83. Conference and Language Services. The required staffing resources take into account 41 existing posts. In addition, the service will be strengthened by a new extrabudgetary General Service (Other level) post for a Text-processing Clerk. With the increase in the workload of the section, this additional staff with knowledge of Bosnian/Croatian/Serbian would facilitate the work of translators, especially as the volume of video and audio material for transcription and translation has increased.

84. Budget and Finance Services. No change is proposed in 1997 to the existing staff complement of six posts from the assessed budget and one post from extrabudgetary resources.

85. Personnel Services. No change is proposed in 1997 to the existing staff complement of three posts from the assessed budget and one post from extrabudgetary resources.

Other payments (mission subsistence allowance)

86. Provision of $200,200 is proposed for personnel from the Security and Safety Services and the Electronic Support Services posted to the Sarajevo operations office.

Temporary assistance for meetings

87. Estimated requirements of $653,400 would provide for the recruitment of additional French, English and Bosnian/Croatian/Serbian translators ($55,400); conference interpreters ($52,700) during peak workload periods pertaining to courtroom activities, plenary sessions of the judges and hearings that require simultaneous interpretation for witnesses or amici curiae in languages other than the working languages of the Tribunal; and French verbatim reporters recruited by the Tribunal on short-term contracts ($545,300).

General temporary assistance

88. Estimated resources of $777,200 are requested to recruit short-term field interpreters for investigative missions ($482,200); field interpreters to assist in witness proofing ($196,100); and to service the requirements of the Registry for replacement of staff on annual, sick or maternity leave and during peak-workload periods ($98,900).

Overtime and night differential

89. Provision of $321,500 is proposed for overtime requirements of the Registry in order to maintain critical functions that must be performed by existing personnel ($257,100) and night differential for Security Officers working night shifts ($64,400).

Consultants and experts

90. Provision of $34,000 is proposed for 1997 for consultant fees and travel. This relates to the conversion of the structured database application to a client/server system at the Office of the Prosecutor ($22,000) and assessment of the requirements for a legal support system for implementation of the Registry procedures ($12,000).

Travel

91. Total estimated resources of $1,173,800 under this heading would provide for:

(a) Travel of victims and witnesses ($996,400). For 1997, it is anticipated that 400 victims and witnesses would travel to The Hague for purposes of hearings and trials. Anticipated travel and related expenses relate to transportation ($400,000), accommodation ($476,800) and daily subsistence allowance ($119,600). This estimate is conditioned on there being no more than 400 witnesses. Should conditions require larger numbers of witnesses, related costs would rise proportionately;

(b) Other travel ($177,400). The provision would cover estimated requirements for the Registrar and his/her staff for consultations at United Nations Headquarters and attendance at meetings of the General Assembly, meetings with officials from Member States and national and international judicial organizations, and press meetings, seminars and conferences ($64,400); travel of staff members of the Victims and Witnesses Unit ($53,000) to coordinate arrangements for support and protection of witnesses; travel of the External Board of Auditors for 1996 and 1997 ($50,000); and travel of auditors of the Office of Internal Oversight Services for 1997 ($10,000).

Contractual services

92. Total estimated resources of $5,185,100 under this heading would provide for:

(a) Contractual translation ($85,700). In order to reduce in-house translation backlog, the Tribunal outsources the translation of non-confidential materials;

(b) Verbatim reporting ($492,000). Operational requirements relate to the hire of English verbatim reporters for court sessions and hearings;

(c) Defence counsel ($3,442,200). Estimated requirements relate to the provision of counsel to suspects and the accused in accordance with the Directive on Assignment of Defence Counsel and amendments thereto adopted by the judges of the Tribunal during the eleventh plenary session, held in June 1996. The proposed amount would cover the remuneration of assigned defence counsel and co-counsel ($2,461,200), travel costs ($71,700) and support costs of defence counsel and co-counsel assigned to represent suspects and defend the accused ($909,300). The estimates are premised on three trials being held involving eight accused persons. On this basis, it is anticipated that 14 counsel or co-counsel will be employed on average for each of the months of May through December 1997. Should conditions permit more trials or the involvement of additional accused, related costs would rise proportionately as the number of counsel or co-counsel increased. In such a case the additional related costs would be dealt with in the context of a performance report to be produced in the fall of 1997;

(d) Detention facilities ($726,100). The provision is proposed for the services of detention facility guards to supervise the operation of the facility on a round-the-clock shift basis. In the first half of the year, provision is requested for 17 guards, and in the second half it is expected that this number will increase to 23 guards;

(e) Training ($177,200). Estimated resources under this heading would provide for costs of training seminars in the areas of courtroom operations, computer operations support, computer training programme support and training for Security Officers;

(f) External printing ($130,700). Estimated resources would provide for production of The Annual Report, The ICTY Yearbook and a second printing of Basic Documents as well as stationery including letterhead and envelopes ($43,400); and external map and photographic reproduction services for the Office of the Prosecutor ($87,300);

(g) Data-processing services ($111,200). Estimated resources would provide for leased line costs and provider's fees for Internet access ($8,200), subscription costs for CD-based information sources ($13,000) and a 12-month subscription to the Lexis-Nexis legal database service ($90,000), an on-line legal research resource utilized to assist in numerous aspects of case preparation and handling;

(h) News agency services ($20,000). Estimated resources would be required to maintain existing subscriptions to Associated Press and Agence France-Presse news agency services.

Hospitality

93. An amount of $2,900 is requested for official functions and hospitality.

General operating expenses

(i) Rental and maintenance of premises ($3,868,700)

94. International Tribunal (Aegon building). As of January 1997, the Tribunal assumed responsibility for the entire Aegon building, consisting of approximately 19,529 square metres of office and courtroom space, as well as an underground parking facility that can accommodate 335 vehicles. The rent of this facility for 1997 amounts to f.4,230,730 ($2,299,300). However, a subtenant, the Organization for the Prohibition of Chemical Weapons (OPCW), had agreed to take over 5,214 square metres from 1 April 1997 and will pay f.782,990 ($425,500) in 1997. Annex VI to the present report provides a tabular presentation of the rental agreement and the space allocation between the Tribunal and OPCW.

95. The lease also provides for the repayment of construction costs defrayed by the landlord on behalf of the Tribunal for the construction of the courtroom and for the installation of interior partitions. This construction was undertaken and completed in 1995. The repayments on the courtroom construction costs will continue until 1998 while payments for the partitions will continue for the full length of the lease (12 years). The annual payments amount to f.1,276,628 ($693,800) and f.58,125 ($31,600) respectively.

96. Detention facility. Additional resources must also be provided for the lease costs of the detention facility. The annual rent of the 24-cell facility amounts to f.512,000 ($278,300). The facility also provides for meals and services for detainees at a rate of f.50 per day for each detainee. For 1997, it is assumed that the facility will be on average one third occupied for the first six months and one half occupied for the second half of the year. Accordingly, the 1997 costs are estimated at f.182,500 ($99,200).

97. Field offices. The International Tribunal has established three field offices, in Zagreb, Sarajevo and Belgrade. For 1997, the rental of the Sarajevo premises will amount to $96,700 and includes the rental of 420 square metres of office space, utilities and associated costs. The office space in Zagreb is currently being provided to the Tribunal by the United Nations Peace Forces. However, in July 1997, the Tribunal would be required to seek alternative accommodation. The estimated cost of space rental for the Zagreb facility for the six-month period would amount to $6,600. The Belgrade premises are estimated at an annual cost of $13,200.

98. Utilities. The lease also calls for the payment of utility costs. While such costs are prorated according to the percentage of space occupied, given that the Tribunal will assume full occupancy of the premises in 1997, the total utility costs will be payable by the Tribunal. Total costs are estimated to amount to f.610,850 ($332,000) for the full year, to be reduced by OPCW's estimated share of f.100,941 ($54,600) for the period from 1 April to 31 December 1997, or a net budgetary provision of $277,400. In addition, a

provision of $2,900 is requested for the Belgrade ($1,900) and alternative Zagreb ($1,000) offices. Utilities for the Sarajevo office are included in the lease costs.

99. Cleaning of facilities. On 1 January 1997, the Tribunal became responsible for a total of 20,529 square metres of space (including 1,000 square metres at the detention facility). However, the Tribunal plans to occupy a total of only 14,315 square metres, as well as 1,000 square metres at the detention facility. Cleaning costs for this area are estimated at $217,700, which includes $5,000 for specialist cleaning of the decontamination facility. Cleaning costs in the Belgrade office are $3,800 and a provision of $1,900 is requested for the office in Zagreb from 1 July 1997.

100. Maintenance of premises. Requirements for the total cost of building maintenance and maintenance supplies are estimated at f.509,300 ($276,800) and $45,700 respectively, for a total of $322,500. OPCW's estimated share of these costs for the period from 1 April to 31 December 1997 would amount to $50,700. In this regard, net budgetary provision of $271,800 is requested for 1997.

(ii) Other general operating costs ($2,739,200)

101. Minor alterations and improvements. Total resources of $669,900 are proposed for the interior partitioning of office space ($407,600), construction of a Cashier's office ($10,000), a master-key door system ($36,000), an extension of the security garage ($39,400), separation of Tribunal from subtenant premises ($67,600, net of OPCW's share of $3,800), construction of a second, secure exterior exercise yard for detainees and a meeting room for detainees at the detention facility ($57,100), and construction of a decontamination facility ($52,200).

102. Provision of $2,069,300 is requested for rental of office furniture and equipment ($242,700), rental of vehicles ($3,000), maintenance of furniture and equipment ($381,500), communications ($757,500), and miscellaneous services ($684,600) which include medical services for detainees, provision for miscellaneous claims and adjustments by witnesses and detainees, architectural services, freight and cartage, insurance and bank charges.

Supplies and materials

103. Total estimated requirements amount to $551,000 and relate to the purchase of expendable office supplies, reproduction paper, audiovisual, data-processing and communications equipment supplies, uniforms ($534,100) as well as to meal supplements and purchase of recreational requirements for detainees ($16,900).

Acquisition of furniture and equipment

104. Estimated resources of $1,965,600 would provide for:

(a) Acquisition of office automation equipment ($894,000). Resources are required for the cost of 33 additional workstations ($92,400), computer hardware upgrades and spares ($80,000), three UNIX servers in support of the IMIS application ($99,000), two additional network servers and UPS units ($68,000),

network infrastructure extension materials for coverage of the new building space, including cabling and hub equipment ($450,000), five printers ($11,600), network data back-up equipment of four tape jukeboxes ($88,000) and inventory tracking equipment ($5,000);

(b) Acquisition of software packages ($77,900). Estimated requirements include purchase of IMIS-related software ($31,100), purchase and re-licensing of the Sun Systems and Progen software ($15,000), additional software licences and GIS software for the Office of the Prosecutor ($8,000), network management software ($11,300), Lotus Notes licences ($7,500) and applications development software ($5,000);

(c) Communications equipment ($428,000). Resources would provide for the purchase of 15 encrypted Motorola GP300 radios ($29,300) for the proposed new Security Officers, installation of satellite earth stations at two field offices upon conclusion of the United Nations peacekeeping operations ($370,000), two Motorola 9600 Secure Telephones and two Secure-ready facsimile machines ($25,300), and cellular telephones for Investigation personnel in the field ($3,400);

(d) Audiovisual equipment ($346,600). Resources would provide for the purchase of a video editing suite ($108,700), video converters ($1,800), additional VCRs and TV monitors ($59,300), BetaCam and Hi8 recording cameras and accessories ($55,000), computer-based audio hard-disk recording systems ($38,100), audio distribution systems ($54,400), trolleys and cases for transport of AV equipment ($4,200) and miscellaneous accessories ($25,100);

(e) Security and safety equipment ($65,000). Estimated requirements would provide for weapons and ammunition ($19,000), replacement of expired medical supplies ($4,700), 15 additional personnel lockers ($4,000), purchase of a weapons safe ($5,800), protective equipment for the detainee response team ($3,700) and fire equipment and protective clothing ($27,800);

(f) Acquisition of office furniture ($154,100). Resources are required for the acquisition and replacement of office furniture ($53,700), furniture and fixtures including equipment and utensils offered by the landlord at substantially reduced prices ($71,400), equipment for the proposed decontamination facility including laboratory furniture, portable air-conditioning units, dehumidifiers, air purifiers and other miscellaneous fixtures ($29,000).

IV. CONCLUSIONS

105. On the basis of the proposals detailed in the preceding paragraphs, it is estimated that resources in the amount of $49,983,100 (net) will be required for the operation of the International Tribunal for the former Yugoslavia for the period from 1 January to 31 December 1997. An additional amount of $4,965,300 would be required for staff assessment, to be offset by income from staff assessment of the same amount. The General Assembly has already financed the period from 1 January to 30 June 1997 in the amount of $21,146,900 net ($23,655,600 gross). The Assembly may wish to finance the residual amount of

$28,836,200 net ($31,292,800 gross) for the period from 1 July to 31 December 1997 according to the methodology established by the Assembly in its resolution 49/251 of 20 July 1995, whereby $14,418,100 would be chargeable to credits arising from the budget of the United Nations Peace Forces and the balance of $14,418,100 would be assessable in accordance with the scale of assessments for the year 1997.

Notes

[1] Rule 61 of the Rules of Procedure and Evidence is entitled "Procedure in case of failure to execute a warrant"; Tribunal document IT/32/Rev.9; see also Human Rights Law Journal, vol. 15, No. 1-2, p. 38.

Annex I

VOLUNTARY CONTRIBUTIONS

1. The General Assembly, in its resolution 49/242 B of 20 July 1995, invited Member States and other interested parties to make voluntary contributions to the International Tribunal for the former Yugoslavia that were acceptable to the Secretary-General. To date, cash and in-kind contributions totalling $10,447,934 have been received, excluding the cost of staff and experts on loan from Governments and international organizations and institutions.

2. Under an agreement with the International Tribunal, donors provide personnel to the Tribunal on a non-reimbursable basis. Under the terms of these agreements, the donor undertakes to pay all expenses in connection with the assignment to the Tribunal of the loaned personnel, including salaries, daily subsistence allowances, medical and life insurance coverage (as well as insurance for service-related illness, disability or death, with extended war-risk insurance coverage) and round-trip travel from their respective countries. The donor is also responsible for any claim brought by third parties for damages, injury or death as a result of any act or omission by the personnel on loan, during the performance of duties on behalf of the United Nations.

3. The United Nations is not responsible for any expenses in relation to the loan of personnel by the donor, with the exception of the provision of office space, furniture and equipment as well as other facilities necessary for the performance of the services required, including the cost of any travel and other related expenditures incurred on official business for the United Nations. As of 31 March 1997, there are 51 seconded staff assigned to the Tribunal, comprising 27 experts-on-mission assigned to the Office of the Prosecutor, 11 legal assistants, one attorney and one detention guard assigned to the Registry and 11 legal assistants assigned to the Chambers, all of whom require support.

4. In addition to the gratis personnel, as of 31 March 1997, 10 interns are participating in the Tribunal's internship programme. Currently, these interns are all assigned to the Office of the Prosecutor and provide research and drafting assistance in matters relating to criminal law, international humanitarian law and human rights.

5. The status of voluntary contributions to support the activities of the International Tribunal, as of 31 March 1997, is detailed below:

A. Cash contributions

Status of cash contributions to the Voluntary Fund

(United States dollars)

17 February 1994	Pakistan	1 000 000
11 March 1994	Hungary	2 000
17 March 1994	Spain	13 725
24 March 1994	Liechtenstein	2 985
29 March 1994	Namibia	500
31 March 1994	Canada	168 280
26 April 1994	Ireland	15 000
10 May 1994	Malaysia	2 000 000
17 May 1994	Ireland	6 768
24 June 1994	New Zealand	14 660
27 July 1994	Cambodia	5 000
18 October 1994	Italy	1 898 049
10 January 1995	Switzerland	75 758
4 April 1995	United States of America	700 000
7 April 1995	Denmark	183 368
28 April 1995	Canada	171 202
12 May 1995	Chile	5 000
19 May 1995	Israel	7 500
7 July 1995	Norway	50 000
5 January 1996	Slovenia	9 960
12 February 1996	Slovenia	40
30 April 1996	Canada	366 816
25 November 1996	Switzerland	118 149
5 December 1996	Ireland	100 000
31 December 1996	Netherlands	232 558
31 December 1996	Sweden	31 719
9 January 1997	Malaysia	250 000
Total		7 429 034

B. Personnel

6. As of 31 March 1997, contributions in the form of the loan of 51 staff have been received from Belgium (1), Denmark (3), Finland (1), Italy (1), the Netherlands (4), South Africa (1), Sweden (2), Switzerland (2), the United Kingdom of Great Britain and Northern Ireland (4), the United States of America (7), the European Action Council for Peace in the Balkans (1), the International Commission of Jurists (22), the Open Society Institute (1) and Physicians for Human Rights (1).

7. Currently, 27 gratis personnel are assigned to the Office of the Prosecutor. They continue to provide assistance as legal adviser/ prosecutors (7), investigators (13), researcher (1), legal advisers (4), projects officer (1) and video analyst (1).

8. In addition, 22 gratis personnel serve as legal assistants to the International Tribunal. They provide legal support to the judicial and administrative operations of the Tribunal and provide a learning environment for young qualified lawyers. Eleven assistants are assigned to the Chambers for the purpose of legal research and assistance, 10 to the Registry to assist with judicial management and 1 to the Press and Information Office.

9. Also, two other gratis personnel provide support services to the Registry as a legal adviser and as a detention guard.

10. A further request was made to the European Commission, through the International Rehabilitation Council for Torture Victims, concerning the provision of personnel and related resources for the protection, counselling and support of victims and witnesses. Negotiations between the Council and the International Tribunal are continuing and it is anticipated that resources in the amount of $231,650 will be provided for this purpose during 1996-1997.

C. Equipment

11. During 1996, a number of Member States, organizations and companies made additional contributions of equipment to the International Tribunal. The Government of the United Kingdom of Great Britain and Northern Ireland contributed three 4 x 4 vehicles to the International Tribunal to be used for operational requirements in the field, such as investigations and liaison with victims and witnesses (approximate value of $67,600). A further six 4 x 4 vehicles were donated by the Government of France ($153,700). Five of the vehicles were delivered to the former Yugoslavia for use by Tribunal staff operating in Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia. The remaining vehicle was delivered to The Hague and is primarily used by the Victims and Witnesses Unit to meet its local transportation requirements.

12. In addition, the Government of France donated video-delay equipment to the Tribunal, valued at $182,600. The provision of this equipment will allow the Tribunal to broadcast trials with a limited time delay so as to protect certain witnesses and allow the Tribunal to consider requests for the redaction of

testimony. Other contributions include the provision of court reporting system software (valued at $4,000) by Discovery Products, two video conferencing units from Time-Warner ($24,300) and a 12-month subscription to Lexis-Nexis donated by the Open Society Institute ($100,000).

13. During 1994-1995, contributions in kind amounting to $2,486,700 were received. A detailed description of such contribution was provided in paragraph 136 of the report of the Secretary-General on the financing of the Tribunal for 1996 (A/C.5/50/41).

D. Use of voluntary contributions

14. From the commencement of the operations of the International Tribunal, reliance has been placed on the assistance of a number of gratis personnel provided by individual Member States to assist in the performance of the Prosecutor's mandate under the Statute of the Tribunal.

15. The assistance provided to the Prosecutor by the experienced seconded investigators and lawyers in conducting investigations and the preparation of briefs of evidence has, in the absence of a full complement of staff, been critical. The results achieved already by the Office of the Prosecutor would not have been possible without that assistance. Future needs will be addressed after the General Assembly has reviewed the policy issues relating to gratis personnel.

16. In the previous report on the financing of the International Tribunal (ibid.), the Secretary-General referred to the guidelines for the use of voluntary contributions, under which funds should be used to support specific project-related objectives. In this regard, resources from voluntary contributions continue to be utilized to fund the establishment of a reference library, a computerized archiving system and a court case document management and presentation system. In addition, voluntary contributions have been used to fund mobile suspect recording equipment and videotape transcription equipment. Extrabudgetary resources will also be used to provide for a remote video conferencing system to present and document the evidence of key witnesses unable to travel to The Hague.

17. In early 1996, following the developments in the region of the former Yugoslavia, including the implementation of the Dayton Peace Agreement, the Prosecutor determined the need to redeploy an investigative team from The Hague to carry out investigations in the field, to be located in Sarajevo. With the utilization of voluntary funds, the International Tribunal was able to establish an enlarged presence in Sarajevo that has provided the Prosecutor with the necessary support and investigative resources to pursue his mandated objectives in the region.

18. In 1996 also, the International Tribunal commenced and completed the forensic exhumations of seven sites: six in Bosnia and Herzegovina (Republika Srpska) and one in Croatia. Resource requirements for these operations (excluding staff costs) were fully met from voluntary contributions. A further major programme of exhumations is proposed in 1997, for which donations are

currently being sought. However, a small initial project in support of the Blaskić prosecution is planned for April 1997 and is supported by earmarked funds from Switzerland.

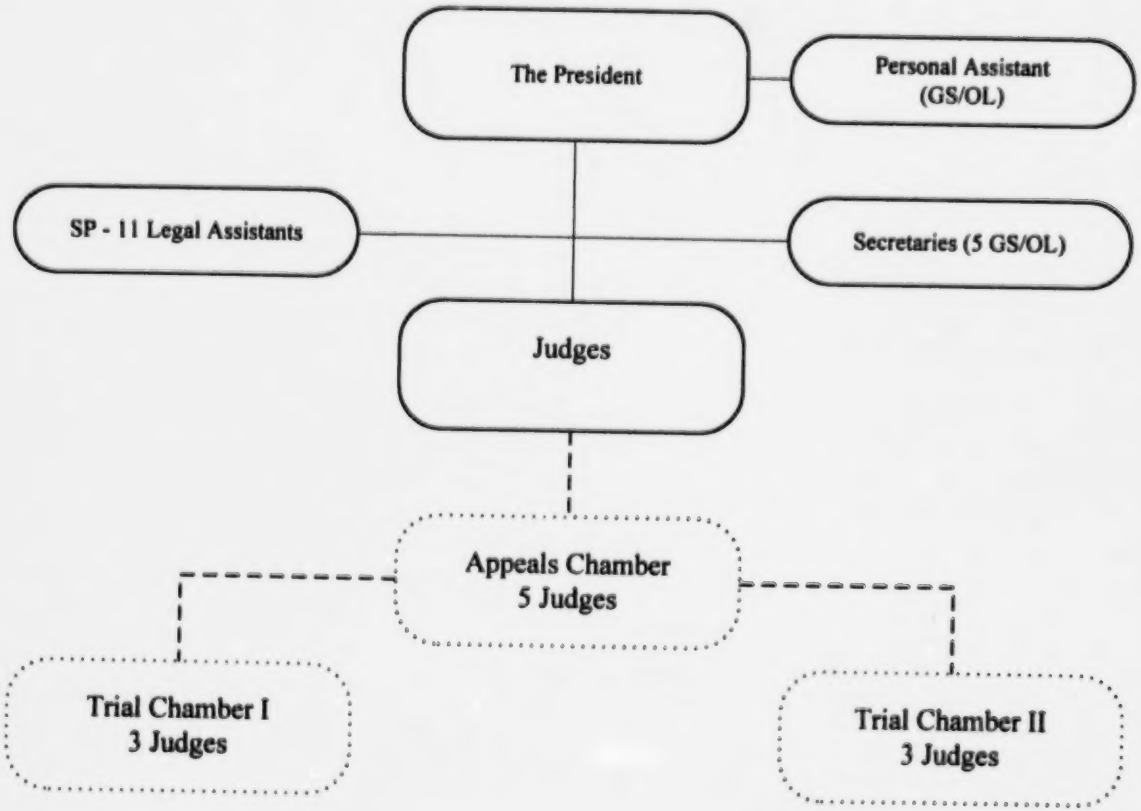
19. Victim and witness assistance is another component of the Tribunal's operations that will require full financial support. During 1996, witness support costs, including witness assistants and local transportation, were provided from voluntary contributions. At present, the Tribunal is finalizing a proposal from the International Rehabilitation Council for Torture Victims for the provision of professional counselling and support services for victims and witnesses appearing before the Tribunal, which would be funded through a grant of the European Commission.

20. With regard to witness protection, the Tribunal has entered into numerous discussions with a number of Member States regarding the willingness to assist with funding and relocation of protected witnesses. While witness protection has been minimal during the first years of the Tribunal's existence, with the onset of trial activity earlier in 1996, it is estimated that witness protection will feature more prominently in the future. In view of the need for the provision of such services and the heavy expenditures that accompany such action, resources must be provided to ensure that witness protection is never compromised. Accordingly, the support of Member States is enlisted to defray the potential costs associated with the provision of these services.

Annex II

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

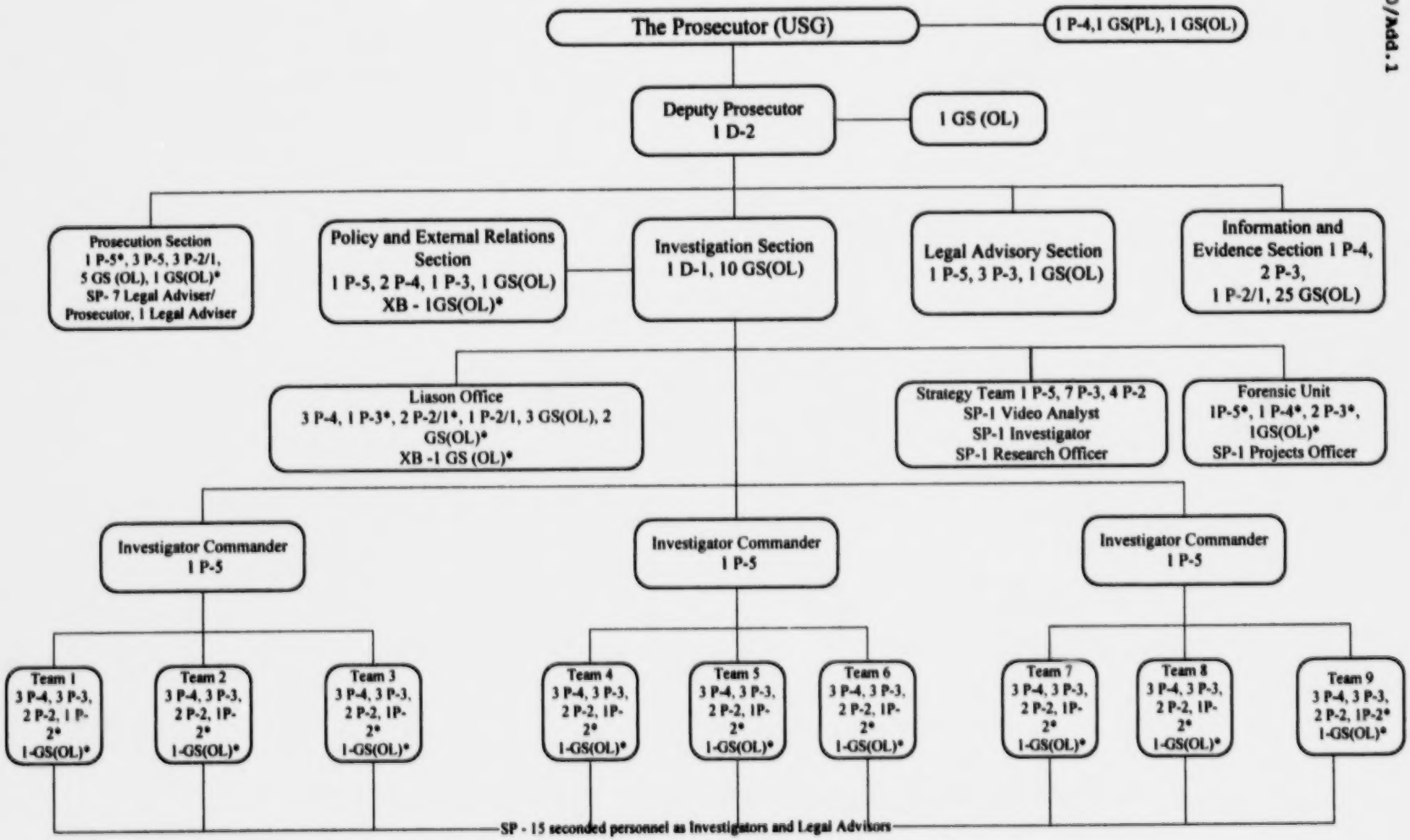
THE CHAMBERS



SP - Seconded Personnel

Annex III

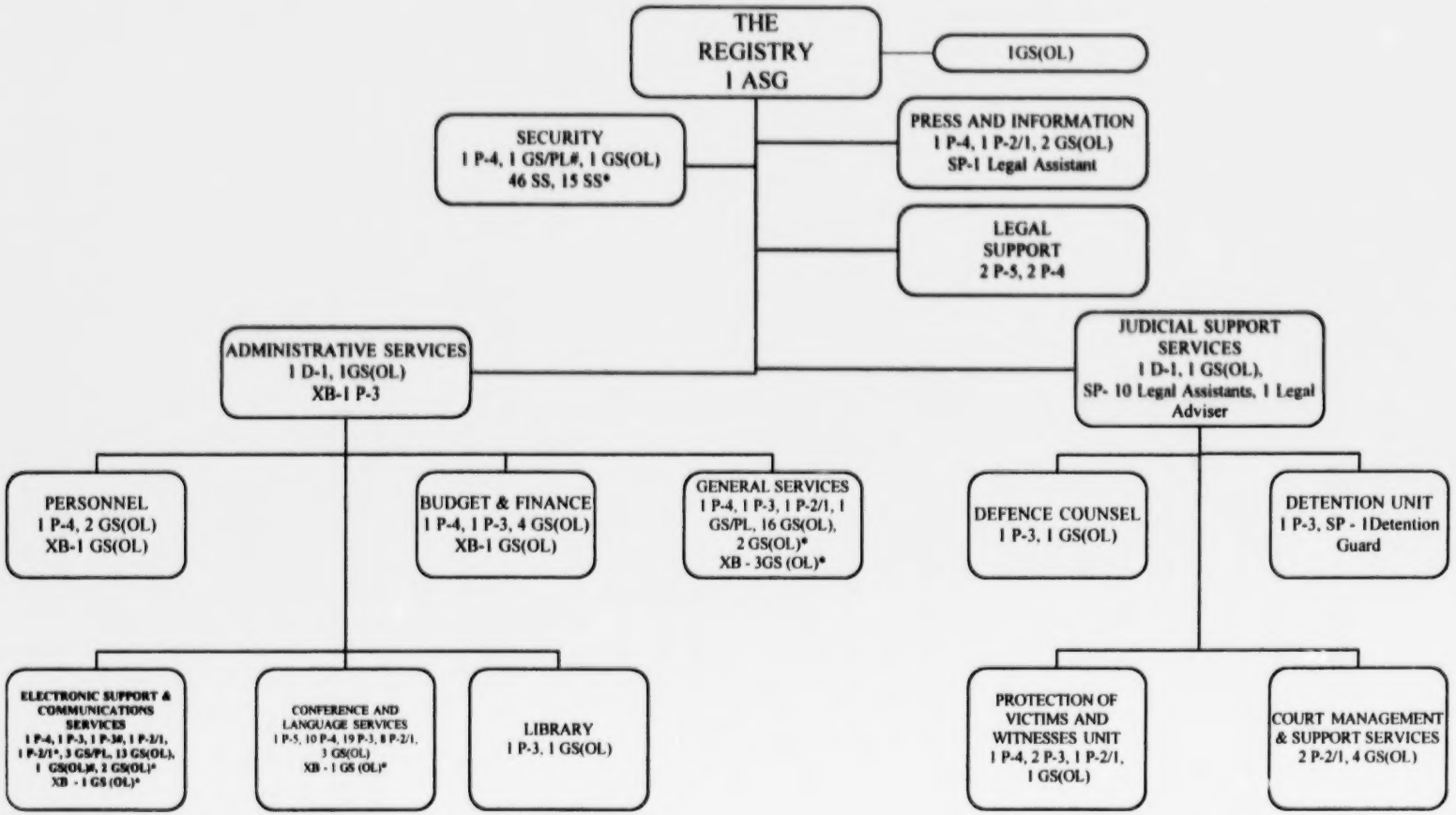
INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
THE OFFICE OF THE PROSECUTOR



* - New Posts
SP - Seconded Personnel as at 31 March 1997
XB - Extrabudgetary Posts

Annex IV

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
THE REGISTRY


THE REGISTRY 1 ASG
1GS(OL)
SECURITY 1 P-4, 1 GS/PL#, 1 GS(OL) 46 SS, 15 SS*
PRESS AND INFORMATION 1 P-4, 1 P-2/1, 2 GS(OL) SP-1 Legal Assistant
LEGAL SUPPORT 2 P-5, 2 P-4
ADMINISTRATIVE SERVICES 1 D-1, 1GS(OL) XB-1 P-3
JUDICIAL SUPPORT SERVICES 1 D-1, 1 GS(OL), SP- 10 Legal Assistants, 1 Legal Adviser
PERSONNEL 1 P-4, 2 GS(OL) XB-1 GS(OL)
BUDGET & FINANCE 1 P-4, 1 P-3, 4 GS(OL) XB-1 GS(OL)
GENERAL SERVICES 1 P-4, 1 P-3, 1 P-2/1, 1 GS/PL, 16 GS(OL), 2 GS(OL)* XB - 3GS (OL)*
DEFENCE COUNSEL 1 P-3, 1 GS(OL)
DETENTION UNIT 1 P-3, SP - 1Detention Guard
ELECTRONIC SUPPORT & COMMUNICATIONS SERVICES 1 P-4, 1 P-3, 1 P-3#, 1 P-2/1, 1 P-2/1*, 3 GS/PL, 13 GS(OL), 1 GS(OL)#, 2 GS(OL)* XB - 1 GS (OL)*
CONFERENCE AND LANGUAGE SERVICES 1 P-5, 10 P-4, 19 P-3, 8 P-2/1, 3 GS(OL) XB - 1 GS (OL)*
LIBRARY 1 P-3, 1 GS(OL)
PROTECTION OF VICTIMS AND WITNESSES UNIT 1 P-4, 2 P-3, 1 P-2/1, 1 GS(OL)
COURT MANAGEMENT & SUPPORT SERVICES 2 P-2/1, 4 GS(OL)

* - New Post
\# - Reclassification
XB - Extrabudgetary Resources
SP - Seconded Personnel as at 31 March 1997

/...

Annex V

NEW TEMPORARY AND RECLASSIFIED POSTS

Post	Number of staff	Title/function	Reference paragraph(s)
NEW TEMPORARY POSTS			
P-5	1	Trial Attorney	33
GS(OL)	1	Research Assistant	33
P-2/1	9	Investigators	35/36
GS(OL)	9	Data Entry Clerk	35/36
P-5	1	Forensic Policy and Planning Coordinator	35/40
P-4	1	Scientific Support Manager	35/40
P-3	1	Forensic Engineer	35/40
P-3	1	Forensic Logistician/Field Coordinator	35/40
GS(OL)	1	Administrative Assistant	35/40
P-2	1	Operations Officer	35/45
GS(OL)	1	Driver	35/45
P-3	1	Investigator	35/47
P-2	1	Investigator	35/47
GS(OL)	1	Driver	35/47
SS	15	Security Officer	66/71
GS(OL)	1	Maintenance Supervisor	66/76
GS(OL)	1	Maintenance/Operations Assistant	66/76
P-2	1	Communications Officer	66/78
GS(OL)	1	Communications Clerk	66/78
GS(OL)	1	Communications Technician	66/78
TOTAL	50		
RECLASSIFIED POSTS			
SS to GS(PL)	1	Security Officer	66/71
P-2 to P-3	1	Communications Coordinator	66/78
GS(PL) to GS(OL)	1	LAN Administrator	66/78
TOTAL	3		

Annex VI

SPACE ALLOCATION BETWEEN THE TRIBUNAL AND THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

A. Actual area as determined by CAD software

	Tribunal	Subtenant	Cafeteria[a]	Open[a]	Overall
Basement	4 774	93	0	0	4 867
Ground floor	3 108	1 325	0	199	4 632
First floor	3 577	856	0	199	4 632
Second floor	3 478	208	747	199	4 632
Third floor	2 853	932	0	411	4 196
Fourth floor	0	1 541	0	0	1 541
Fifth floor	0	1 541	0	0	1 541
Total	17 790	6 496	747	1 008	26 041

[a] Cafeteria and unconstructed area (atrium) not counted in the calculations of actual and chargeable area.

B. Per cent actual area[a]

	Actual area (m^2)	Per cent of total
Tribunal occupied area	17 790	73.3
Subtenant occupied area	6 496	26.7
Total area	24 286	100.0

[a] Area as calculated by CAD software.

C. Apportionment of total chargeable area

Total chargeable area[a]	Tribunal apportionment		Subtenant apportionment	
(m^2)	(%)	(m^2)	(%)	(m^2)
19 529	73.3	14 315	26.7	5 214

[a] Total chargeable area as defined in the primary lease between Aegon and the Tribunal.

D. Apportionment of tenant chargeable area

Total chargeable area[a]	Office space		Other space	
(m^2)	(%)	(m^2)	(%)	(m^2)
5 214	81.5	4 249	18.5	965

[a] Total chargeable area as defined in the primary lease between Aegon and the Tribunal:

Office space = 15,907 m^2 = 81.5%.
Other space = 3,622 m^2 = 18.5%.

E. Schedule of estimated sub-lease charges (guilders)

	Allotted space	Rate	Charges
Rental, office space	4 249m^2	208.70/m^2	886 766
Rental, other space	965m^2	72.25/m^2	69 721
Prepayment for supplies, services and utilities	5 214m^2	49.64/m^2	258 823[a]
Rental, parking	50 spaces	1 750/space	87 500
Total annual charges			1 302 810

[a] Note: The Tribunal will carry out general maintenance work. The subtenant shall make a prepayment for the estimated, prorated share of supplies, services and utility costs on a quarterly basis at the rate of f.64,706.00, subject to adjustment and final settlement as provided in article 4 of the Sub-lease Agreement. The Tribunal shall provide the subtenant an annual accounting of actual costs in the first quarter of the following year with an adjustment as required.

Annex VII

STATUS OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND COMMENTS OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS (A/50/925)

1. Further to the memorandum of 3 December 1996 from the Director of the Programme Planning and Budget Division addressed to the Executive Secretary of the Advisory Committee on Administrative and Budgetary Questions which set out the response to the requests of the Advisory Committee for supplementary information in connection with its consideration of the proposed budget for the year 1997 (A/C.5/51/30), the present annex provides an updated status where further measures have been taken.

2. In addition, and as requested by the Advisory Committee in paragraph 3 of its report (A/50/925), this annex provides specific references to previous recommendations of the Committee, highlighting action that has been taken and indicating, where applicable, the time framework for full implementation of recommendations.

3. References are made to the paragraphs of document A/50/925.

Paragraph 9. Voluntary contributions to the Tribunal

4. As indicated in the Director's memorandum, the Tribunal has formulated draft guidelines for the acceptance of contributions of gratis personnel, which have been reviewed and cleared by the relevant offices of the Secretariat. Considering the issuance of the report of the Secretary-General on gratis personnel of 21 November 1996 (document A/51/688), and pending a final decision on this matter by the General Assembly, the Tribunal has deemed it prudent to postpone the final issuance of these draft guidelines, in order to incorporate views of the relevant legislative authorities. In the meantime, however, the Tribunal has adhered strictly to the terms of these guidelines and had consistently sought approval from the Secretariat for accepting such personnel.

5. In addition, and as requested by the Advisory Committee, the Tribunal has formulated and issued, in the form of an administrative instruction, guidelines for the acceptance of cash contributions and of contributions in kind. These guidelines fully reflect the relevant financial regulations, rules, policy and practice of the United Nations. Promulgation of these guidelines has ensured greater awareness among staff as to these applicable rules and procedures. Copies of the administrative instruction will be made available to the Committee during its consideration of the present report.

Paragraph 10. Comprehensive budgeting of personnel requirements

6. The present budget proposal includes full estimates for personnel requirements to be provided as posts, as well as information on the use of gratis personnel by organizational unit throughout the text and relevant tables and charts.

Paragraphs 16, 17, 23. Travel and subsistence regulations for Judges; use of consultants/experts by the Chambers; expected savings in the travel budget of the Office of the Prosecutor

7. Reference is made to the relevant responses set out in the Director's memorandum.

Paragraph 24. Status of backlog of indexing and coding of documents

8. Further progress on the processing of the backlog has been accomplished following a cash contribution by the Government of the Netherlands in the total amount of 3,340,000 guilders (approx. $1.9 million), to be donated in three instalments over 1997 and 1998, the first of which has already been received. An updated interim report on the backlog project will be submitted to the Committee during its consideration of the present report.

Paragraph 28. Indigence of accused; recovery of payments

9. Whereas in practice procedures for determining the indigence of an accused have consistently been followed, they have not been issued in the form of formal guidelines. In part, this is owing to the fact that the requirements of an expeditious trial do not always allow a compulsory and exhaustive investigation into the truthfulness of the information submitted by the accused. Furthermore, the level of expenditures for defence purposes is such that, with the exception perhaps of a very few, the average defendant cannot be expected to cover these costs privately.

10. Article 45(G) of the Rules of Procedure and Evidence of the Tribunal provides that "where an alleged indigent person is subsequently found not to be indigent, the Chamber may make an order of contribution to recover the cost of providing counsel". The Tribunal is studying the possible modalities and legal consequences of such an order.

Paragraph 29. Expansion of list of defence counsel

11. Requests have been issued around the world through national bar associations for expressions of interest in placement on the list of defence counsel. Applications from interested lawyers are received and scrutinized on a continuous basis. A total of approximately 150 defence attorneys are now on the list, including lawyers from Sri Lanka, the United States of America, New Zealand, the States of the former Yugoslavia and most other European States.

Paragraph 31. Arrangements with host country for loan of prison guards

12. As was indicated to the Committee in the aforementioned memorandum of the Director of the Programme Planning and Budget Division, the Tribunal has been able to negotiate more flexible arrangements for the loan of prison guards. The Tribunal is currently awaiting the receipt of the final clearance from the Headquarters Committee on Contracts, which has reviewed the proposed revised agreement.

13. In addition, as reflected in the relevant section of the present report, one detention officer has been provided to the Tribunal by the Government of Denmark on a reimbursable loan. Letters were sent out to all Member States in March 1997, requesting similar assistance in the form of loans of prison guards, inter alia, in order to ensure further geographical diversity. As of date of writing, this has not resulted in any firm offer.

Paragraph 32. Incidental use of detention facilities by Rwanda Tribunal

14. The Rules of Detention of the Tribunal stipulate that no person may be detained without a warrant of arrest duly issued by a judge or a Chamber of the International Tribunal for the former Yugoslavia. This provision embodies the general principle of criminal procedural law that prevents individuals from being detained without a proper legal title. The detention of suspects on behalf of the Rwanda Tribunal, accused of crimes not falling within the competence of the International Tribunal for the former Yugoslavia, would contravene such an absolute requirement for a legal basis. In addition, arrangements concluded between the Tribunal and its host country would not cover the detention of such persons. The immunity from national criminal jurisdiction, for example, applies only to persons detained on behalf of the International Tribunal for the former Yugoslavia. There are, therefore, significant legal impediments to the incidental and temporary use of detention facilities for suspects and/or accused of the Rwanda Tribunal found in Europe.

Paragraph 34. Full disclosure of receipt and application of voluntary funds

15. The format of the present budget proposal, detailing 1994/95 and 1996 extrabudgetary expenditures and related 1997 estimates by programme, together with information on gratis personnel and cash contributions, seeks to satisfy the request of the Advisory Committee to ensure transparency in the use and purpose of voluntary contributions.

Paragraph 40. Sub-lease of surplus place

16. As is indicated in the relevant section of the present report, on 9 January 1997, the Tribunal signed an agreement with the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons for the sub-lease of a total of 5,214 square metres. A prorated share of costs for supplies, services and utilities is charged to the subtenant. A copy of the sub-lease agreement will be made available to the Committee during its consideration of the present report.

Paragraph 41. Inventory of furniture and equipment; donated equipment

17. A full inventory of the Tribunal's furniture and equipment, including a list of donated equipment, will be made available to the Committee during its consideration of the present report.

18. As to the concerns of the Committee that automation equipment requirements of the Tribunal may be driven by highly sophisticated equipment received from various donors, it is to be noted that the major automation systems donated to the Tribunal (document management system donated by the United States

Government; video delay system donated by the Government of France; portable communications and computing equipment for field investigations by the Open Society Institute) constitute essential operational requirements of the Tribunal, which would otherwise have been charged to the assessed budget.

Paragraph 42. Provision of vehicles previously used by other United Nations missions

19. Reference is made to the information previously submitted to the Advisory Committee (annex XII to the aforementioned memorandum of 3 December 1996). Updated information will be submitted to the Committee.

Paragraph 43. Enforcement of sentences of the Tribunal/relocation of witnesses in post-trial stage

20. Since November 1996, the draft model agreement on the enforcement of sentences prepared by the Tribunal has been cleared by the Secretariat. Two Member States, Italy and Finland, have subsequently signed the model agreement, on 6 February and 7 May 1997, respectively.

21. As to the costs of such an undertaking, the standard agreement provides that, other than the expenses for the transfer to the place of imprisonment, the enforcing State shall bear all costs related to the enforcement of a sentence. This reflects, inter alia, the consideration that costs of imprisonment are best borne by comprehensive penitentiary systems of Member States, on which the relative impact of accepting a limited number of prisoners would be virtually negligible.

22. A copy of the model agreement, as signed with minor modifications by the Governments of Italy and Finland, will be made available to the Advisory Committee during its consideration of the present report.

23. As to the projected costs for the protection and relocation of witnesses in a post-trial stage, reference is made to the information previously submitted to the Advisory Committee. Further progress has been made in preparing the appropriate arrangements with prospective host States. Discussions with six Governments are in an advanced stage, and draft agreements have been drawn up. One of them is near finalization and will be submitted to the Secretariat for clearance shortly.

Paragraph 43. Common administrative arrangements

24. Reference is made to the information contained in the present report regarding the sub-lease arrangements with the Preparatory Committee for the Organization for the Prohibition of Chemical Weapons.